

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

This Document Relates to:

1:14-cv-12905-RWZ: Epperly v. Insight Health Corp., *et al.*  
1:14-cv-12908-RWZ: McFarlane v. Insight Health Corp., *et al.*  
1:14-cv-12910-RWZ: Smith v. Insight Health Corp., *et al.*  
1:14-cv-12916-RWZ: Kalinoski v. Insight Health Corp., *et al.*  
1:14-cv-12917-RWZ: Filson v. Insight Health Corp., *et al.*  
1:14-cv-12919-RWZ: Bradley v. Insight Health Corp., *et al.*  
1:14-cv-12924-RWZ: Foutz v. Insight Health Corp., *et al.*  
1:14-cv-12927-RWZ: Whitlow v. Insight Health Corp., *et al.*  
1:14-cv-12928-RWZ: Harris v. Insight Health Corp., *et al.*  
1:14-cv-12929-RWZ: Smith v. Insight Health Corp., *et al.*  
1:14-cv-12930-RWZ: Holbrook v. Insight Health Corp., *et al.*  
1:14-cv-12931-RWZ: Courtney v. Insight Health Corp., *et al.*  
1:14-cv-12938-RWZ: Brown v. Insight Health Corp., *et al.*  
1:14-cv-12939-RWZ: Shuck v. Insight Health Corp., *et al.*  
1:14-cv-12940-RWZ: White v. Insight Health Corp., *et al.*  
1:14-cv-12941-RWZ: Brown v. Insight Health Corp., *et al.*  
1:14-cv-12942-RWZ: Artis v. Insight Health Corp., *et al.*  
1:14-cv-12978-RWZ: Bender v. Insight Health Corp., *et al.*

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MDL No. 1:13-md-2419-RWZ

**[PROPOSED] ORDER GRANTING  
DEFENDANT INSIGHT HEALTH CORP.'S MOTION TO STRIKE  
EIGHTEEN STATE COURT ORDERS AS VOID AB INITIO**

On July 21, 2014, Insight Health Corp. filed its Motion to Strike Eighteen State Court Orders as Void *ab initio* ("Motion") and supporting memorandum. After considering the Motion, supporting memorandum, various memoranda in opposition, and the oral arguments of counsel at hearing, this Court finds good cause for the Motion and hereby makes the following findings:

1. Removal in the eighteen Gentry Locke Cases (*Artis, Bender, Bradley, Brown, Brown, Courtney, Epperly, Filson, Foutz, Harris, Holbrook, Kalinoski, McFarlane, Shuck, J. Smith, R. Smith, White, and Whitlow*) occurred on June 6, 2014, when Insight Health Corp. filed Notices of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) with the clerk of the Circuit Court for the City of Roanoke, Va. in each of the eighteen cases.
2. The Circuit Court for the City of Roanoke, Va. entered the eighteen State Court Orders in the Gentry Locke Cases on June 27, 2014, three weeks after those cases had been removed.
3. The eighteen State Court Orders in the Gentry Locke Cases adjudicate the substantive rights of the parties and are not ministerial in nature.
4. The entry of these orders by the Circuit Court for the City of Roanoke, Va. violates 28 U.S.C. § 1446(d)'s direction to "proceed no further" and the automatic bankruptcy stay established by 11 U.S.C. § 362.

Consequently, it is hereby:

1. ORDERED that each of the eighteen State Court Orders is void *ab initio*, a nullity with no legal effect; and
2. ORDERED that the each of the eighteen State Court Orders is stricken and expunged from the record.

**So Ordered**

Dated \_\_\_\_\_, 2014

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Rya W. Zobel  
United States District Judge